

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78735 of 2023

Arising Out of PS. Case No.-317 Year-2023 Thana- RAFIGANJ District- Aurangabad

1. Virju Yadav @ Birju Yadav, Son of Late Dularchand Yadav, Resident of Village - Chandaul, P.S. - Rafiganj, District - Aurangabad
2. Shiv Kumar @ Shiva Kumar, Son of Virju Yadav @ Birju Yadav, Resident of Village - Chandaul, P.S. - Rafiganj, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 03-04-2025 Heard Mr. Arvind Kumar Singh learned counsel for the petitioners and Mr. Bhanu Pratap Singh, learned APP for the State.

2. The petitioners have prayed for bail in connection with Rafiganj P.S. Case No. 317 of 2023 instituted for the offence under Sections 341, 323, 324, 307 and 302/34 of the Indian Penal Code.

3. The case of the prosecution is that the petitioners along with others assaulted with knife and *khanti* to the husband of the informant due to land dispute.

4. It is submitted by learned counsel for the petitioners that petitioners are innocent and have committed no offence. They have been falsely implicated in the present case. There is land dispute between the parties. A statement has been made in para-3



of the petition that the petitioners have got no criminal antecedent. They are languishing in judicial custody since 17.08. 2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that from perusal of the F.I.R., it transpires that the informant is the eye witness and from perusal of the diary, it also transpires that the witnesses have also stated that the petitioners along with others have stabbed the husband of the informant. From perusal of the injury report, it is clear that the deceased has received three stab injuries. In post mortem report, the doctor has found that the deceased died due to haemorrhage, coma and shock due to above mentioned injuries. Injuries were caused by sharp pointed weapon like stab.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioners on bail at this stage and, as such, their prayer for bail stands rejected.

7. Petitioners will be at liberty to renew their prayer for bail after six months, if the trial is not concluded.

8. Learned trial Court is also directed to expedite the trial.

(Ashok Kumar Pandey, J)

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